

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
ANTOINE FLOWERS,

Plaintiff,

-against-

DONALD SEHL; FRED DORCH; ALBERT  
GONZALEZ; MICHAEL BEST; JOHN DOE 1-2;  
CITY OF NEW YORK,

Defendants.

ANALISA TORRES, District Judge:

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22 Civ. 2766 (AT) (JLC)

**ORDER**

On April 4, 2022, Plaintiff *pro se*, Antoine Flowers, filed this Section 1983 action arising from a stop and search in the Bronx. Compl., ECF No. 2; *see* Order of Service, ECF No. 6. By order dated February 7, 2023, the Court appointed pro bono counsel. ECF No. 39. Pro bono counsel represented Plaintiff through discovery, and completed their limited appearance on February 15, 2024. ECF Nos. 61–63. On May 1, 2024, Defendants moved for summary judgment. ECF No. 71. The Court referred the motion to the Honorable James L. Cott. ECF No. 64. However, Defendants were unable to serve their motion on Plaintiff because he did not update his address or respond to Defendants’ emails. ECF Nos. 76–79. At Judge Cott’s direction, on June 28, 2024, Defendants moved to dismiss the action pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. ECF No. 81; *see* ECF No. 79.

After careful consideration, Judge Cott issued a Report and Recommendation (the “R&R”), proposing that the Court dismiss Plaintiff’s claims for failure to prosecute. R&R, ECF No. 82. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *Id.* at 11–12; *see* Fed. R. Civ. P. 72(b)(2). When no objection is made, the Court reviews the R&R for clear error. *See Whitley v. Bowden*, No. 17 Civ. 3564, 2019 WL 1953941, at \*1 (S.D.N.Y. May 1, 2019) (collecting cases). The Court finds no clear error.

Accordingly, the Court ADOPTS Judge Cott’s R&R in its entirety. Defendants’ motion to dismiss for failure to prosecute is GRANTED. Plaintiff’s claims are DISMISSED with prejudice because his claims are time-barred.

The Clerk of Court is directed to terminate the motions at ECF Nos. 71 and 81, enter judgment for Defendants consistent with this order, and close the case. The Clerk of Court is further directed to mail a copy of this order to Plaintiff. Defendants are directed to mail this order to Plaintiff’s email address that was provided by his former pro bono counsel.

SO ORDERED.

Dated: August 5, 2024  
New York, New York



ANALISA TORRES  
United States District Judge